

FILED

JUL 19 2016

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

U.S. DISTRICT COURT-WVND
MARTINSBURG, WV 25401

UNITED STATES OF AMERICA,

Plaintiff,

v.

JONATHAN LEIGH WIENKE,

Defendant.

Criminal No.

3:16cr 26

Violations:

26 U.S.C. § 5861(c)
26 U.S.C. § 5861(d)
26 U.S.C. § 5861(i)
26 U.S.C. § 5822
26 U.S.C. § 5841
26 U.S.C. § 5845(a)
26 U.S.C. § 5871
18 U.S.C. § 921(a)(24)

INDICTMENT

The Grand Jury charges that:

COUNT ONE

(Making a firearm in violation of the National Firearms Act)

On or about June 9, 2016, in Berkeley County, in the Northern District of West Virginia, the defendant, **JONATHAN LEIGH WIENKE**, knowingly made a firearm, a cylindrical device, no manufacturer marks or serial number, capable of diminishing the sound report of a portable firearm, in violation of Title 26, United States Code, Sections 5822, 5845(a), 5861(f), and 5871, and Title 18, United States Code, Section 921(a)(24).

COUNT TWO

(Receipt or possession of firearm made in violation of the National Firearms Act)

On or about June 9, 2016, in Berkeley County, in the Northern District of West Virginia, the defendant, **JONATHAN LEIGH WIENKE**, knowingly received and possessed a firearm, a cylindrical device, no manufacturer marks or serial number, capable of diminishing the sound report of a portable firearm, made in violation of Title 26, United States Code, Sections 5822, 5845(a), 5861(c), and 5871, and Title 18, United States Code, Section 921(a)(24).

COUNT THREE

(Receipt or possession of unregistered firearm)

On or about June 9, 2016, in Berkeley County, in the Northern District of West Virginia, the defendant, **JONATHAN LEIGH WIENKE**, knowingly received and possessed a firearm, a cylindrical device, no manufacturer marks or serial number, capable of diminishing the sound report of a portable firearm, not registered to him in the National Firearms Registration and Transfer Record, in violation of Title 26, United States Code, Sections 5841, 5845(a), 5861(d), and 5871, and Title 18, United States Code, Section 921(a)(24).

COUNT FOUR

(Receipt or possession of firearm unidentified by serial number)

On or about June 9, 2016, in Berkeley County, in the Northern District of West Virginia, the defendant, **JONATHAN LEIGH WIENKE**, knowingly received and possessed a firearm, a cylindrical device, no manufacturer marks or serial number, capable of diminishing the sound report of a portable firearm, not identified by a serial number, in violation of Title 26, United States Code, Sections 5845(a) 5861(i), and Title 18, United States Code, Section 921(a)(24).

COUNT FIVE

(Receipt or possession of firearm made in violation of the National Firearms Act)

On or about June 9, 2016, in Berkeley County, in the Northern District of West Virginia, the defendant, **JONATHAN LEIGH WIENKE**, knowingly received and possessed a firearm, a metal cylindrical device and various parts, no manufacturer marks or serial number, which together incorporate a combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, made in violation of Title 26, United States Code, Sections 5822, 4845(a), 5861(c), and 5871, Title 18, United States Code, Section 921(a)(24).

COUNT SIX

(Receipt or possession of unregistered firearm)

On or about June 9, 2016, in Berkeley County, in the Northern District of West Virginia, the defendant, **JONATHAN LEIGH WIENKE**, knowingly received and possessed a firearm, a metal cylindrical device and various parts, no manufacturer marks or serial number, which together incorporate a combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, not registered to him in the National Firearms Registration and Transfer Record, in violation of Title 26, United States Code, Sections 5841, 5845(a), 5861(d), and 5871, and Title 18, United States Code, Section 921(a)(24).

COUNT SEVEN

(Receipt or possession of firearm unidentified by serial number)

On or about June 9, 2016, in Berkeley County, in the Northern District of West Virginia, the defendant, **JONATHAN LEIGH WIENKE**, knowingly received and possessed a firearm, a metal cylindrical device and various parts, no manufacturer marks or serial number, which together incorporate a combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, not identified by a serial number, in violation of Title 26, United States Code, Sections 5845(a), 5861(i), and 5871, and Title 18, United States Code, Section 921(a)(24).

FORFEITURE ALLEGATION

National Firearms Act

1. Pursuant to Title 26, United States Code, Section 5872, and Title 26, United States Code, Section 2461(c), the government will seek the forfeiture of property as part of the sentence imposed in this case; that is, the forfeiture of any firearm involved in any violation of Title 26, United States Code, Sections 5822, 5841, 5861(c), 5681(d), 5861(i), and 5871, including (1) a cylindrical device, no manufacturer marks or serial number, capable of diminishing the sound report of a portable firearm; (2) a metal cylindrical device and various parts, no manufacturer marks or serial number, which together incorporate a combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, not identified by a serial number; and (3) Walther pistol, Model P 22, .22 caliber, serial number L155202.

A true bill,

/s/ _____
Grand Jury Foreperson
(Signature on File)

/s/ _____
William J. Ihlenfeld, II
United States Attorney

Anna Z. Krasinski
Assistant United States Attorney

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